

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MARZEN MEDIA LLC,

4 Plaintiff

5 v.

6 FL NEWSLETTER LLC,

7 Defendant

Case No.: 2:24-cv-01883-APG-EJY

Order for Supplemental Briefing

8 Defendant FL Newsletter LLC filed a special motion to dismiss plaintiff Marzen Media
9 LLC's deceptive trade practices claim under Nevada's anti-SLAPP statute. ECF No. 21. Marzen
10 amended its complaint to drop the deceptive trade practices claim and responded to the anti-
11 SLAPP motion by arguing the motion was moot due to the amendment. ECF Nos. 29; 31.
12 Marzen relied in part on one of my cases, *Diamond Resorts U.S. Collection Development, LLC,*
13 *et al., v. Reed Hein & Assoc., LLC, et al.* See ECF No. 31 at 2.

14 In *Diamond Resorts*, I denied an anti-SLAPP motion as moot after the plaintiff filed an
15 amended complaint because the motion was directed at a prior version of the complaint. Case
16 No. 2:17-cv-03007-APG-VCF, ECF No. 160 (D. Nev. March 2, 2020). The Supreme Court of
17 Nevada has since indicated that filing an amended complaint while an anti-SLAPP special
18 motion to dismiss is pending is not grounds to deny the anti-SLAPP motion as moot. *Vannah v.*
19 *L. Off. of Daniel S. Simon*, No. 82058, 506 P.3d 1073, 2022 WL 986138, at *1 (Nev. 2022).
20 Instead, if the anti-SLAPP motion was filed before the amended complaint, a "court should
21 conduct its anti-SLAPP analysis based on [the] original complaint." *Id.*¹

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23 ¹ In another unpublished case, the Supreme Court of Nevada has held that voluntarily dismissing the complaint in its entirety divests a Nevada state court of jurisdiction to award fees and costs under Nevada's anti-SLAPP statute because a voluntary dismissal closes the case and a court can

1 The parties have not addressed *Vannah*. Marzen took the position in its response brief
2 that the anti-SLAPP motion was moot, so it did not address the motion on the merits. In its
3 reply, FL argued that its motion was not moot, although it did not cite to *Vannah*. I grant Marzen
4 leave to address *Vannah*, substantively oppose the anti-SLAPP motion, and explain why fees
5 should not be granted to FL.

6 I THEREFORE ORDER that plaintiff Marzen Media LLC may file a supplemental
7 opposition to defendant FL Newsletter LLC's motion to dismiss (ECF No. 21) by March 26,
8 2025.

9 I FURTHER ORDER that defendant FL Newsletter LLC may file a reply by April 2,
10 2025.

11 DATED this 12th day of March, 2025.



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14 ANDREW P. GORDON
15 CHIEF UNITED STATES DISTRICT JUDGE
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award fees only if it “grants” the anti-SLAPP motion. *See Padma v. Hendrick*, No. 78534, 461
P.3d 160, 2020 WL 1903191, at *1-2 (Nev. 2020) (quoting Nev. Rev. Stat. § 41.670(1)).